

Federal Program:	2014 Homeland Security Grant Program (HSGP)
State Awarding Agency:	Iowa Department of Homeland Security and Emergency Management
GRANT TERMS & CONDITIONS	

1. COMMITMENT TO AWARD AND ACCEPT FUNDS AND GRANT TERMS & CONDITIONS

The Homeland Security Grant Program (HSGP) Commitment to Award and Accept Funds and the Grant Terms & Conditions are issued by the Iowa Homeland Security Emergency Management Department (HSEMD) as the State's Administrative Agency (SAA) for federal preparedness grants. Together, these documents provide the terms and conditions associated with accepting this grant.

Before you incur costs or receive any of the federal grant funds awarded to you, you must establish acceptance of the grant and Grant Terms & Conditions. To establish acceptance of the grant and grant terms and conditions, return the signed copy of the Commitment to Award and Accept Funds by the due date stated on the form.

In the event that a Grant Adjustment Notification is issued, or a change to the grant terms and conditions is made, any subsequent request for funds will indicate grantee acceptance of changes to the award.

2. SCOPE OF WORK

Grant funding through this federal program plays an important role in the implementation of the National Preparedness Goal (NPG). Funding shall be used for costs related to planning, organization, equipment, training and/or exercise needs that prevent, protect against, mitigate, respond to, and recover from acts of terrorism and other catastrophic events. This grant project provides an integrated mechanism that builds and sustains core capabilities to support the Nation's Preparedness against terrorist attacks, major disasters and other emergencies.

A more detailed project scope of work, timeline, and budget has been submitted in IowaGrants.gov and evaluated by a team review, and approved. This application has been allocated funds by the SAA. Only activities, goods and services that relate to the scope of work in the approved final application will be funded.

3. AWARD SUSPENSION OR TERMINATION

HSEMD, as awarding agency, may suspend or terminate grant funding, in whole or in part, or other measures may be imposed for any of the following reasons: failing to comply with the requirements or statutory objectives of federal law, failing to make satisfactory progress toward the goals or objectives set forth in the award scope of work, failing to follow the grant terms or conditions, failing to submit required reports, filing a false certification in the application or other report or document, and/or non-performance.

Grantee may terminate this Grant Award. A 30-day written termination notification shall be provide by HSEMD or grantee, via registered or certified mail, return receipt requested. Any costs incurred earlier than the date of receipt of the notice or the date of termination set forth in the notice will be negotiated for final payment.

4. GRANT REGULATIONS AND GUIDANCE

Grantee shall comply with state and federal laws; the most recent version of the Administrative Requirements, Cost Principles, and Audit Requirements; and state and federal grant guidance. A nonexclusive list of regulations commonly applicable to FEMA grants administered by HSEMD is listed below:

A. Federal laws (see Appendix 2)

- 1) Lobbying Prohibitions
- 2) Acknowledgement of Federal Funding from DHS
- 3) Copyright
- 4) Use of DHS Seal, Logo and Flags
- 5) Activities Conducted Abroad
- 6) Fly America Act of 1974. 40118)
- 7) Drug-Free Workplace Regulations
- 8) Trafficking Victims Protection Act of 2000
- 9) Civil Rights Act of 1964
- 10) Civil Right Act of 1968
- 11) Americans with Disabilities Act of 1990
- 12) Age Discrimination Act of 1975
- 13) Title IX of the Education Amendments of 1972
- 14) Rehabilitation Act of 1973
- 15) Limited English Proficiency
- 16) Animal Welfare Act of 1966
- 17) Clean Air Act of 1970 and Clean Water Act of 1977
- 18) Protection of Human Subjects
- 19) National Environmental Policy Act (NEPA) of 1969.
- 20) National Flood Insurance Act of 1968
- 21) Flood Disaster Protection Act of 1973
- 22) Coastal Wetlands Planning, Protection, and Restoration Act of 1990
- 23) USA Patriot Act of 2001
- 24) Federal Funding Accountability and Transparency Act (FFATA)

B. Federal Administrative Requirements

- 1) 44 Code of Federal Regulations (CFR), Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments:
 - a. **13.20 Standards for financial management systems.** Includes statement that accounting records must be supported by source documentation such as cancelled checks, paid bills, payrolls, time and attendance records, contracts, etc.
 - b. **13.21 Payment.** Includes statement that methods and procedures for payment shall minimize the time elapsing between the transfer of funds and disbursement by the grantee.
 - c. **13.22 Allowable costs.** Includes statement that applicable Office of Management and Budget (OMB) cost principles, agency program regulations, and grant terms and conditions will be followed in determining the reasonableness, allowability, and allocability of costs.
 - d. **13.23 Period of availability of funds.** Includes statement that a grantee may charge to the award only costs resulting from obligations during the stated grant performance period.
 - e. **13.24 Matching or cost sharing.** Defines rules and treatment when required by a specific grant.
 - f. **13.25 Program Income.** Defines program income and treatment for deduction if earned.
 - g. **13.26 Non-Federal audit.** Grantee is responsible for obtaining audits in accordance with OMB Circular A-133.
 - h. **13.32 Equipment.**
 - i. Equipment purchased by the grantee with federal award funds is the property of the grantee. The grantee shall comply with federal requirements for use, management, and rights to transfer title. Inventory records shall be maintained and include the following: serial numbers or other identifying numbers, the source of the property (HSGP), the title holder and/or whomever maintains physical possession of the property, acquisition date

of each item, dollar cost of the item, the percentage of federal funding used in the purchase, the physical location of the item, and its condition (new, operational, under repair, etc.).

- ii. When equipment is no longer needed by the grantee and the per unit fair market value is less than \$5,000, the grantee may retain, sell, or dispose of the equipment with no further obligation to HSEMD. If, on the other hand, the per unit fair market value is \$5,000 or greater, then the grantee must submit a written request to HSEMD for disposition instructions.
- i. **13.35 Subawards to debarred and suspended parties.** States that grantees shall not make any award or permit any award (grant or contract) at any tier to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs. The Excluded Parties List may be found at <https://www.sam.gov>.
- j. **13.36 Procurement.** Includes purchasing standards and requirements for competitive purchasing, contracting and other federal procurement guidance.
- 2) 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110)
- 3) 44 CFR Part 10, Environmental Considerations
 - a. Grantee shall not undertake any project having the potential to impact Environmental or Historic Preservation (EHP) resources without prior approval by FEMA, including but not limited to communication towers, physical security enhancements, new construction, ground disturbance, and modifications to buildings, structures and objects that are 50 years old or greater.
 - b. Grantees must comply with all conditions placed on the project as the result of the EHP review.
 - c. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements.

C. Cost Principles

- 1. 2 CFR, Part 220, Cost Principles for Educational Institutions (OMB Circular A-21)
- 2. 2 CFR, Part 225, Cost Principles for State, Local and Tribal Governments (OMB Circular A-87)
 - a. Defines “capital expenditures, “equipment,” “special purpose equipment” and “general purpose equipment.”
 - b. States the rules of allowability that apply to equipment and other capital expenditures including:
 - i. Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except where approved in advance by the awarding agency. Section 15.b(1), (2), and (3) of Appendix B.
- 3. 2 CFR, Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122)
 - a. Defines “capital expenditures, “equipment,” “special purpose equipment” and “general purpose equipment.”
 - b. States the rules of allowability that apply to equipment and other capital expenditures including:
 - i. Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except where approved in advance by the awarding agency. Section 15.b(1), (2), and (3) of Appendix B.
 - ii. 48 CFR 31.2, Federal Acquisition Requirements (FAR), Contracts with Commercial Organizations

D. Audit Requirements

- 1) OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations

- 2) Grantees must submit an audit report to the Federal Audit Clearinghouse if they expended more than \$500,000 in federal funds in one fiscal year. The Federal Audit Clearinghouse submission requirements can be found at <http://harvester.census.gov/sac/>.

E. Program Guidance

Grantee agrees that all allocations and use of funds under this grant will be in accordance with the federal funding opportunity announcement.

F. State of Iowa and Iowa Homeland Security and Emergency Management

1) Contracting and Procurement

- a. Contracting and procurement standards must be in accordance with the written adopted procedures of the grantee, as long as the procurement standards conform to applicable State and Federal law. **When local or state requirements are more restrictive than federal requirements, the more restrictive requirements must be followed.**
- b. Grantee shall ensure that every purchase order or contract includes all clauses required by Federal statutes, executive orders, and other regulations.
- c. Grantee shall submit bid and contracts greater than \$5,000 to HSEMD, in care of the grantee's grant project officer PRIOR to awarding or executing. HSEMD will review and comment regarding compliance with federal/state guidelines and procedures. Failure to submit for review may result in denial of request for payment if contract/procurement procedures are deemed non-compliant.

- 2) Travel – Travel standards must be in accordance with the written adopted procedures of the grantee, as long as the procurement standards conform to applicable State and Federal law.

- 3) Food/M meal Costs (non-travel): Costs must be pre-approved by HEMD. Contact grant program officer for Pre-Approval Request Form.

4) Record Retention

- i. Pursuant to 44 CFR 13.42, grantee shall retain records for three years after they are notified by HSEMD that the grant has been closed by the Department of Homeland Security/FEMA.

5) Monitoring

- a. HSEMD shall monitor the programmatic and financial progress of grantees to assure compliance with local, state and federal requirements and that performance goals are being achieved.
- b. Grantee understands that HSEMD may enforce any of the remedies for noncompliance allowed by state and federal regulations.
- c. The closeout of a grant does not affect HSEMD's responsibility to monitor beyond the performance period end date.

5. GRANT MANAGEMENT

A. On-line Grants Management System

Grantee agrees to use Iowa's on-line grants management system for the application and grant management of awards including but not limited to the following:

- 1) Maintain current grantee contact information in the system.
- 2) Submit final application and upload signed Grant Commitment to Award and Accept Funds by posted deadline.
- 3) Submit change requests for project scope of work, budgets, timelines, or other via this system.
- 4) Perform scope of work and incur related expenses within the Performance Period as posted for the award within the system.

B. Payment Requests

Grantee agrees to comply with federal, state and local financial requirements and that all costs incurred shall support the approved project scope of work. In addition, the grantee agrees to:

- 1) Participate in Payment Request training provided by HSEMD prior to submitting a payment request claim.
- 2) Follow Payment Request Guidance established by HSEMD in accordance with state and federal requirements and generally accepted accounting procedures, including:
 - a. Payment requests submitted for reimbursement of expenses is the preferred method of payment.
 - b. Unless otherwise restricted by grant guidance, payment requests submitted in advance of costs incurred are allowable provided the grantee demonstrates the ability to minimize the time elapsing between the transfer of the funds and their disbursement.
 - i. In general, no more than 30 days should elapse between the date of receipt of a state warrant for an advance and the payout of funds by the grantee.
 - c. Grantee agrees to reconcile all advance payments received with actual expenses paid. When an overpayment has occurred, (the actual expense is less than amount claimed) the grantee must make an administrative offset against other requests for reimbursement. Submit all required documentation to support payment. This applies to advance payments as well as reimbursements.
 - d. Accrued interest on advances must not exceed \$100 per year to awards made under CFDA number 97.067.

D. Reporting

HSEMD has the responsibility to report financial and programmatic information to FEMA. Grantee has the responsibility to report data to HSEMD for inclusion into federal reports. Grantee agrees to comply with all reporting requirements.

- 1) Quarterly Status Reports.
 - a. Progress reports are to be submitted on-line in grant management system.
 - b. Due on Jan. 15, April 15, July 15, and Oct. 15 following the end of each federal fiscal year quarter which is October – December, January – March, April – June, and July – September.
- 2) Exercise Reporting. Following each exercise, the grantee should submit a Homeland Security Exercise and Evaluation Program (HSEEP) Exercise After-Action Report (AAR). Acceptable forms are available at <https://www.llis.dhs.gov/content/hseep-doctrine-and-templates> or from the Exercise forms library at the SharePoint site available to county emergency management coordinators at <https://hsemdpreparedness.iowa.gov/Exercise%20Forms/Forms/AllItems.aspx>.
- 3) Final Status Report. In order to submit the final report due no later than 90 days following the end of the award's performance period end date grantee agrees to:
 - a. Pay all grant obligations in timely manner.
 - b. Submit final payment request including payment verification documentation for reimbursement of funds no later than 45 days of end of performance period.
 - c. Document receipt of final pay warrant from the State of Iowa.
 - d. Reconcile grant accounts to include comparison of actual expenses paid and the actual amounts received from the State. Upon final reconciliation of the overall award, any over-payments by the State of Iowa to the grantee must be immediately returned. Make check payable to "Treasurer, State of Iowa" and mail with explanation to HSEMD's Financial Executive Officer.
 - e. After the final payment warrant from the State of Iowa for grant expenses has been received, and after the grant accounts have been reconciled, complete and submit the Final Status Report.

- 4) Other Reports. Other reports or requests for information as may be determined to satisfy federal or state reporting requirements.

6. INDEMNIFICATION

It is understood and agreed by grantee that these Grant Terms and Conditions are solely for the benefit of the parties to the grant award and gives no right to any other party. No joint venture or partnership may be formed as a result of these Grant Terms and Conditions.

The grantee, on behalf of itself and its successors and assign, agree to protect, save and hold harmless HSEMD, the State of Iowa, and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the negligent acts, errors, or omissions of the grantee. This likewise applies to the grantee's authorized representative(s), its contractors, subcontractors, agents, licensees, or other such person associated with the grantee in connection with the Terms and Conditions of this Grant.

The grantee agrees to defend HSEMD, the State of Iowa, and their authorized agents and employees against any claim or cause of action, or to pay reasonable attorney's fees incurred in the defense of any such claim or cause of action, as to which the grantee is required to protect, save or hold harmless.

7. GOVERNING LAW, VENUE AND SERVERABILITY

The laws of Iowa shall govern the Terms and Conditions of this Grant . Any and all litigation in connection with this Grant shall be brought in Des Moines, Iowa, in the Polk County District Court for the State of Iowa, if jurisdiction is proper. If jurisdiction is not proper in the Iowa District Court for Polk County, but is proper only in a United States District Court, the matter shall be commenced in the United States District Court for the Southern District of Iowa, Central Division.

8. SOVEREIGN IMMUNITY

The State of Iowa and HSEMD do not waive sovereign immunity by entering into a Grant agreement and specifically retain the defense of sovereign immunity and all defenses available under federal and state laws, rules, regulations for any claim arising out of or related to the Grant.

9. CERTIFICATION

Signature of the Grant Commitment to Award and Accept Funds and submission of the final grant application certifies acceptance of the federal award through HSEMD and that all parties have read and understand the entirety of Grant Terms & Conditions including Appendix 1 through 3, for administering a federal grant through HSEMD.

Appendix 1: Assurances and Certifications

By signing the Grant Commitment to Award and Accept Funds, the Grantee assures and certifies that they will comply with Grant terms and conditions, and specifically, have read, understand and will comply with the requirements identified in this Appendix.

I. HOLD HARMLESS AGREEMENT

Pursuant to sections 403 and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288), as amended, (42 U.S.C. §§ 5170 et seq. and 5173(b)), the undersigned agrees to indemnify, hold harmless, and defend the United States of America and the State of Iowa, as well as their agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of negligent acts, errors, or omissions of the applicant, their contractors, subcontractors, assigns, agents, licensees, arising out of or in connection with any acts or activities authorized by the project or program.

II. CERTIFICATION REGARDING LOBBYING

As required by the regulations implementing the New Restrictions on Lobbying (44 CFR § 18), this applicant hereby certifies that, to the best of their knowledge and belief:

1. No Federal appropriated funds have been or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and co-operative agreements and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction, imposed by 31 U.S.C. § 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

III. DEBARMENT, SUSPENSION, & OTHER RESPONSIBILITY MATTERS

As required by Executive Order #12549, Debarment and Suspension, and implemented by 44 CFR Part 13, for prospective participants in primary covered transactions, as defined in 44 CFR Part 13, § 13.35.

This applicant hereby certifies that it and its principals:

1. (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency. (b) Have not within a three-year period preceding this application been convicted of, or had a civil judgment rendered against them for commission of

fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property. (c) Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local), with commission of any of the offenses enumerated in the preceding paragraph of this certification. (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the applicant is unable to certify to any of the statements in this certification, they shall attach an explanation to this application.

IV. ASSURANCES – CONSTRUCTION & NON-CONSTRUCTION PROGRAMS

This duly authorized representative for this applicant does hereby certify that it:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the Awarding Agency, the Comptroller of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award or assistance, and will establish a proper accounting system in accordance with generally accepted accounting standards, or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives, and will include a covenant in the title of real property in accordance with Awarding Agency directives, and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review, and approval of construction plans and specifications.
5. Will provide and maintain competent, adequate engineering supervision at all construction sites to ensure that the complete work conforms with the approved plans and specifications, and will furnish progress reports and other information as required by the assistance awarding agency, or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes, or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728 - 4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen (19) statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personal Administration (5 CFR § 900, Sub-part F).

9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of a lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include, but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin. (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681 - 1683 and 1685 - 1686), which prohibits discrimination on the basis of sex. (c) Section 504 of the Rehabilitation Act of 1973, as amended (U.S.C. § 794), which prohibits discrimination on the basis of handicaps. (d) The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 et seq.) (e) The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to non-discrimination on the basis of drug abuse. (f) The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism. (g) Sections 523 and 527 of the Public Health Service Act of 1912, (42 U.S.C. § 290-dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records. (h) Title VIII of the Civil Rights Acts of 1968 (42 U.S.C. § 3601 et. seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing. (i) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made. (j) The requirements of any other nondiscrimination statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or Federally-assisted programs. These requirements apply to interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501 - 1508 and 7324 - 7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327 - 333) regarding labor standards for federally-assisted construction sub-agreements.
14. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with the environmental standards which may be prescribed pursuant to the following: (a) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190 and Executive Order (EO) 11514. (b) Notification of violating facilities pursuant to EO 11738. (c) Protection of wetlands pursuant to EO 11990. (d) Evaluation of flood hazards in flood plains in accordance with EO 11988. (e) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.). (f) Conformity of Federal actions to State (Clean Air) Implementation Plans under section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.). (g) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L.

93-523). (h) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

16. Will comply with the Wild Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the Awarding Agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
18. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
19. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm-blooded animals held for research, teaching, or other activities supported by this award of assistance.
20. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

V. CERTIFICATION OF DRUG-FREE WORKPLACE REQUIREMENTS

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988 and 44 CFR Part 17, Sub-part F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification that follows is a material representation of fact upon which reliance will be placed when the Agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or government wide suspension or debarment (44 CFR Part 17, subpart C, 17.300, and subpart D, 17.400).

The Grantee certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- (b) Establishing an ongoing drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace.
 2. The grantee's policy of maintaining a drug-free workplace.
 3. Any available drug counseling, rehabilitation, and employee assistance programs.
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the notification statement required by paragraph (a).
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement.

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

(e) Notifying the agency in writing within ten calendar days after receiving notice under sub-paragraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.

(f) Taking one of the following actions within 30 calendar days of receiving notice under sub-paragraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination of employment, consistent with the requirements of the Rehabilitation Act of 1973, as amended, - or -

(2) Requiring the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), & (f).

The Grant terms and conditions of this certification apply to any and all sites and locations at which the grantee works or otherwise conducts business.

VI. SINGLE AUDIT CERTIFICATION AND ASSURANCE

The Office of Management and Budget Circular A-133, the "Single Audit Act, as amended," and the "Single Audit Act Amendments of 1996, as amended," require that Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single audit conducted. A program specific audit may be conducted in place of a single audit if the auditee meets the terms specified in Office of Management and Budget Circular A-133 Subpart B § __.200, paragraph C.

The Single Audit Act provides that the audit shall be made by an independent auditor and in addition to the financial audit, requires that the independent auditor determine and report on whether the organization has internal control systems to provide reasonable assurance that it is managing Federal assistance programs in compliance with applicable laws and regulations. In order to provide this assurance the auditor must make a study and evaluation of internal control systems used in administering Federal assistance programs. The study and evaluation must be made whether or not the auditor intends to place reliance on such systems.

If there is a "finding" relating to a Federal program administered by Iowa Homeland Security and Emergency Management Department (HSEMD), the grantee certifies that it will submit a copy of the official audit within nine (9) months of the end of the auditee's fiscal year to:

Iowa Homeland Security and Emergency Management Department
7105 NW 70th Avenue, Camp Dodge - Bldg W-4
Johnston, IA 50131

If there are no "findings", a copy of the audit report is not required, but the grantee certifies that it will provide written notification that:

- ◆ an audit was conducted, *including* - entity (auditee) name, Catalog of Federal Domestic Assistance (CFDA) number(s), the period covered by the audit dollar amount expended
- ◆ the schedule of findings and questioned costs disclosed no audit findings relating to Federal award(s) administered by Iowa HSEMD
- ◆ the summary of schedule of prior audit findings did not report on the status of any audit findings related to Federal award(s) administered by Iowa HSEMD

VII. The signature upon the Commitment to Award and Accept Funds form shall be treated as certification of the above Assurances and Certifications and material representation of fact upon which reliance will be placed when HSEMD determines to award the covered transaction, grant, or cooperative agreement.

Grant Terms and Conditions

Appendix 2: Non-Exclusive List of Federal Regulations Applicable to FEMA Grants

Following is a non-exclusive list of federal regulations commonly applicable to FEMA grants:

1. **Lobbying Prohibitions** – None of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any Federal action concerning the award or renewal of any Federal contract, grant, loan, cooperative agreement. These lobbying prohibitions can be found in 31 U.S.C. § 1352.
2. **Acknowledgement of Federal Funding from Department of Homeland Security** – All recipients of financial assistance will comply with requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.
3. **Copyright** – All recipients of financial assistance will comply with requirements that publications or other exercise of copyright for any work first produced under Federal financial assistance awards hereto related unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this award, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, the recipient grants the Government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in all such copyrighted works. The recipient shall affix the applicable copyright notices of 17 U.S.C. § 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under an award.
4. **Use of DHS Seal, Logo and Flags** – All recipients of financial assistance must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
5. **Activities Conducted Abroad** – All recipients of financial assistance will comply with the requirements that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
6. **Fly America Act of 1974** – All recipients of financial assistance will comply with the requirements of the Preference for U.S. Flag Air Carriers: Travel supported by U.S. Government funds requirement, which states preference for the use of U.S. flag air carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.
7. **Drug-Free Workplace Regulations** – All recipients of financial assistance will comply with the requirements of the Drug-Free Workplace Act of 1988 (41 U.S.C. § 701 et seq.), which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. The

recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. These regulations are codified at 2 CFR 3001.

8. **Trafficking Victims Protection Act of 2000** – All recipients of financial assistance will comply with the requirements of the government-wide award term which implements Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. § 7104), located at 2 CFR Part 175. This is implemented in accordance with OMB Interim Final Guidance, Federal Register, Volume 72, No. 218, November 13, 2007. In accordance with the statutory requirement, in each agency award under which funding is provided to a private entity, Section 106(g) of the TVPA, as amended, requires the agency to include a condition that authorizes the agency to terminate the award, without penalty, if the recipient or a sub recipient - (a) Engages in severe forms of trafficking in persons during the period of time that the award is in effect; (b) Procures a commercial sex act during the period of time that the award is in effect; or (c) Uses forced labor in the performance of the award or sub awards under the award. Full text of the award term is provided at 2 CFR § 175.15.
9. **Civil Rights Act of 1964** – All recipients of financial assistance will comply with the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
10. **Civil Right Act of 1968** – All recipients of financial assistance will comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 CFR Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features (see 24 CFR § 100.201).
11. **Americans with Disabilities Act of 1990** – All recipients of financial assistance will comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101-12213).
12. **Age Discrimination Act of 1975** – All recipients of financial assistance will comply with the requirements of the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.
13. **Title IX of the Education Amendments of 1972** – All recipients of financial assistance will comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. These regulations are codified at 44 CFR Part 19.
14. **Rehabilitation Act of 1973** – All recipients of financial assistance will comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be

excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

15. **Limited English Proficiency** – All recipients of financial assistance will comply with the requirements of Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure that LEP persons have meaningful access to your programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding LEP obligations, go to <http://www.lep.gov>.
16. **Animal Welfare Act of 1966** – All recipients of financial assistance will comply with the requirements of the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), which requires that minimum standards of care and treatment be provided for vertebrate animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. Recipients must establish appropriate policies and procedures for the humane care and use of animals based on the Guide for the Care and Use of Laboratory Animals and comply with the Public Health Service Policy and Government Principles Regarding the Care and Use of Animals.
17. **Clean Air Act of 1970 and Clean Water Act of 1977** – All recipients of financial assistance will comply with the requirements of 42 U.S.C. § 7401 et seq. and Executive Order 11738, which provides for the protection and enhancement of the quality of the nation's air resources to promote public health and welfare and for restoring and maintaining the chemical, physical, and biological integrity of the nation's waters is considered research for other purposes.
18. **Protection of Human Subjects** – All recipients of financial assistance will comply with the requirements of the Federal regulations at 45 CFR Part 46, which requires that recipients comply with applicable provisions/law for the protection of human subjects for purposes of research. Recipients must also comply with the requirements in DHS Management Directive 026-04, Protection of Human Subjects, prior to implementing any work with human subjects. For purposes of 45 CFR Part 46, research means a systematic investigation, including research, development, testing, and evaluation, designed to develop or contribute to general knowledge. Activities that meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program that is considered research for other purposes. The regulations specify additional protections for research involving human fetuses, pregnant women, and neonates (Subpart B); prisoners (Subpart C); and children (Subpart D). The use of autopsy materials is governed by applicable State and local law and is not directly regulated by 45 CFR Part 46.
19. **National Environmental Policy Act (NEPA) of 1969** – All recipients of financial assistance will comply with the requirements of the National Environmental Policy Act (NEPA), as amended, 42 U.S.C. § 4331 et seq., which establishes national policy goals and procedures to protect and enhance the environment, including protection against natural disasters. To comply with NEPA for its grant-supported activities, DHS requires the environmental aspects of construction grants (and certain non-construction projects as specified by the Component and awarding office) to be reviewed and evaluated before final action on the application.
20. **National Flood Insurance Act of 1968** – All recipients of financial assistance will comply with the requirements of Section 1306(c) of the National Flood Insurance Act, as amended, which provides for benefit payments under the Standard Flood Insurance Policy for demolition or relocation of a structure

insured under the Act that is located along the shore of a lake or other body of water and that is certified by an appropriate State or local land use authority to be subject to imminent collapse or subsidence as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels. These regulations are codified at 44 CFR Part 63.

21. **Flood Disaster Protection Act of 1973** – All recipients of financial assistance will comply with the requirements of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. § 4001 et seq.), which provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within one year of the identification. The flood insurance purchase requirement applies to both public and private applicants for DHS support. Lists of flood prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.
22. **Coastal Wetlands Planning, Protection, and Restoration Act of 1990** – All recipients of financial assistance will comply with the requirements of Executive Order 11990, which provides that federally funded construction and improvements minimize the destruction, loss, or degradation of wetlands. The Executive Order provides that, in furtherance of Section 101(b)(3) of NEPA (42 U.S.C. § 4331(b)(3)), Federal agencies, to the extent permitted by law, must avoid undertaking or assisting with new construction located in wetlands unless the head of the agency finds that there is no practicable alternative to such construction, and that the proposed action includes all practicable measures to minimize harm to wetlands that may result from such use. In making this finding, the head of the agency may take into account economic, environmental, and other pertinent factors. The public disclosure requirement described above also pertains to early public review of any plans or proposals for new construction in wetlands. This is codified at 44 CFR Part 9.
23. **USA Patriot Act of 2001** – All recipients of financial assistance will comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c. Among other things, it prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose. The act also establishes restrictions on access to specified materials. "Restricted persons," as defined by the act, may not possess, ship, transport, or receive any biological agent or toxin that is listed as a select agent.
24. **The Federal Funding Accountability and Transparency Act of 2006** – The Federal Funding Accountability and Transparency Act (FFATA) ensures that the public can access information on all entities and organizations receiving Federal funds. Central to the law was the development of www.USASpending.gov, a publically available website with searchable information on each Federal grant. Prime recipients are responsible for reporting contract information over \$25,000 and the compensation of an organization's top five executive officers when more than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000 annually is required.